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January 24, 2024

VIA ECF

Hon. Thomas J. McAvoy
United States District Court for
the Northern District of New York
PO Box 7367, 100 South Clinton Street
Syracuse, NY 13261-7367

Re: Tantillo v. Arbitration Forums, Inc., et. al.
Date of Loss: 5/27/2023
File No.: 23-031/220353
Docket No. 23-cv-2447 (TJM/ML)

Dear Judge McAvoy:

This firm represents defendants, Privilege Underwriters Reciprocal Exchange (PURE) and Susan Lynch in connection with the above-referenced matter. In compliance with the Court's directive, this will confirm that plaintiff properly served both of my clients with process prior to the January 26, 2024 deadline.

I also received the Court's notification via ECF that the time for both PURE and Lynch to answer was set as February 6, 2024. The pre-answer motion to dismiss that I filed on December 22, 2023 (ECF 14) sought dismissal for lack of subject matter jurisdiction, failure to state claim and improper service. In light of the recent service, I hereby withdraw the portion of the motion seeking dismissal for improper service. The branches of the dismissal motion for lack of subject matter jurisdiction and failure to state a claim remain.

Inasmuch as the Court set a new deadline to answer, Your Honor's guidance is requested as to whether a new pre-answer motion should be filed or whether the previously filed motion will still be considered and deemed timely filed prior to February 6, 2024.

We respectfully await the Court's reply.

Very truly yours,

KEANE & BERNHEIMER, PLLC

A handwritten signature in black ink, appearing to be 'J. Bernheimer', written over a horizontal line.

By: _____
Jason M. Bernheimer (Bar No. 704961)

JMB:ms

cc: Salvatore Tantillo
(via email: saleo2017@gmail.com)

All Appearing Parties
(via ECF)